

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ROSEMARIE RALSTON-GOOD, *et al.*,

Plaintiffs,

v.

THE CITY OF CHATTANOOGA,
TENNESSEE, *et al.*,

Defendants.

No. 1:13-cv-11-SKL

AMENDED SCHEDULING ORDER

Before the Court is a motion to continue [Doc. 16] filed by Plaintiffs, who seek to continue all pretrial deadlines, as set in the scheduling order [Doc. 14], by three months. A hearing on the motion to continue was held on November 20, 2013. Present at the hearing were Attorney John C. Cavett, Jr. on behalf of Plaintiffs and Attorney Melinda J. Foster on behalf of Defendants. Defendants do not oppose the motion so long as the trial date is also continued by three months. By agreement of the parties and for good cause shown, the motion to continue [Doc. 16] is **GRANTED** and the scheduling order is amended as follows:

1. Disclosure and Discovery:

(a) **Expert Testimony:** On or before **February 6, 2014**, Plaintiffs shall provide to all other parties the disclosures required by Fed. R. Civ. P. 26(a)(2). Defendants shall reciprocate on or before **March 4, 2014**. Such disclosures shall include any required written report pursuant to Fed. R. Civ. P. 26(a)(2)(B), and/or any required statement pursuant to Fed. R. Civ. P. 26(a)(2)(C). After the Defendants have disclosed their expert reports, Plaintiffs have thirty (30) days to disclose any rebuttal experts, as provided in Fed. R. Civ. P. 26(a)(2)(D)(ii).

If at any time it appears that a *Daubert* hearing may be necessary to determine the admissibility of expert testimony, the parties shall notify the Court at their earliest convenience and prior to the dispositive motion deadline of the potential need for such a hearing.

(b) **Final Witness List:** On or before **June 18, 2014**, the parties shall provide to all other parties a final witness list in accordance with Fed. R. Civ. P. 26(a)(3)(A)(i). Within five (5) days after service of this final witness list, the list may be supplemented. After that time, the list may be supplemented only with leave of the court and for good cause.

(c) **All Discovery**: All discovery undertaken pursuant to Fed. R. Civ. P. 26 through 37, including without limitation the taking of depositions "for evidence" and requests for admissions, shall be completed by **April 2, 2014**.

(d) **Pretrial Disclosures**: On or before **April 29, 2014**, the parties shall make the pretrial disclosures specified in Fed. R. Civ. P. 26(a)(3)(A) (ii) and (iii). (Deposition testimony and exhibit list). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date.

(e) **Courtroom Technology**: At least five (5) days before the final pretrial conference the parties shall disclose to one another and to the Court the technology they intend to use in the courtroom during the trial and how they intend to use it (*e.g.*, display equipment; data storage, retrieval, or presentation devices). This disclosure shall list (1) equipment they intend to bring into the courtroom to use, and (2) equipment supplied by the Court which the parties intend to use. Further, the parties shall confirm the compatibility/viability of their planned use of technology with the Court's equipment. General information on equipment supplied by the Court is available on the Eastern District of Tennessee website (www.tned.uscourts.gov). Specific questions about Court-supplied equipment should be directed to the presiding judge's courtroom deputy (directory available on website).

2. Other Scheduling Matters:

(a) **Joinder of Parties and Amendments to the Pleadings**: If any party wishes to join one or more additional parties or amend its pleadings, such joinder or motion for leave to amend shall be filed by **March 4, 2014**.

(b) **Dispositive Motions**: All dispositive motions under Fed. R. Civ. P. 12 and all motions for summary judgment pursuant to Fed. R. Civ. P. 56 shall be filed as soon as possible, but no later than **April 15, 2014**. The failure to timely file such motions will be grounds to summarily deny them.

(c) **Motions in Limine**: Any motions in limine must be filed no later than **June 5, 2014**. Any response to a motion in limine will be due within **five (5) days**. Any reply will be due within **two (2) days** after the response is filed.

(d) **Special Requests to Instruct for Jury Trial**: Pursuant to Local Rule 51.1, requests for jury instructions shall be submitted to the Court no later than **June 5, 2014**, and shall be supported by citations of authority pursuant to Local Rule 7.4. A copy of the prepared jury instructions should be sent as an electronic mail attachment to **lee_chambers@tned.uscourts.gov**.

3. Final Pretrial Conference:

(a) A final pretrial conference will be held in this case on **June 20, 2014** at **2:00 p.m.** before United States Magistrate Judge Susan K. Lee, Room 401 U.S. Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee. **All lawyers who plan to participate in the trial**

must be present in person at the final pretrial conference. The parties shall prepare and submit a final pretrial order to the Court **at least two business days prior** to the final pretrial conference.

(b) The Clerk may provide counsel with a jury list containing names and personal information concerning prospective petit jurors (hereafter "the jury list"). Counsel and any other person provided with the jury list may not share the jury list or information therein except as necessary for purposes of jury selection. Following jury selection, counsel and any other person provided the jury list must return to the Clerk the jury list and any copies made from the jury list or destroy them.

4. Trial: The trial of this case will be held before United States Magistrate Judge Susan K. Lee **with a jury** beginning on **July 9, 2014**. The trial is expected to last **2** days. Counsel shall be present at **8:30 a.m.** to take up any preliminary matters which may require the Court's attention. The parties shall be prepared to commence trial at **9:00 a.m.** on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or any time during the week of the scheduled trial date.

All other expired deadlines in the prior scheduling order [Doc. 14] remain unchanged. Should the scheduled trial date change for any reason, the other dates set by this Order shall remain as set forth herein. Should the parties desire a change in any of the other dates, they should file a motion suggesting alternate dates and showing good cause in accordance with Fed. R. Civ. P. 16(b)(4).

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE